

## **MINUTES**

The Tennessee State Board of Barber Examiners held a meeting on July 21, 2008 at 9:00 a.m. CDT, in Nashville, Tennessee.

The following members were present: J. B. Loring, President, Cecil Groce, Vernon Winfrey and Joe Jones. JaSanto Williams, Vice-President was not present.

Others present were: Beverly Waller, Executive Director, Terrance Bond, Staff Attorney and Debbie Gean, Administrative Assistant.

J. B. Loring, President asked all to join in prayer.

J. B. Loring, President asked all to stand for the pledge of allegiance.

J. B. Loring, President asked for a roll call.

## **MINUTES**

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to approve the minutes from the April 21, 2008. Motion carried unanimously.

## **APPEAR BEFORE THE BOARD**

Mr. Corey Murray – Memphis, TN – Not Present. Mr. Murray requested to come before the board concerning his application for reciprocity of master barber license which was presented to the Barber Board at the April meeting. The Board voted Mr. Murray would be required to complete 1,500 hours of instruction in the barber curriculum in a license barber school and pass the state board barber examination to qualify for master barber license in Tennessee. Mr. Murray is licensed in the State of Louisiana and he qualified for license in that state with 4,000 hours obtained in an apprenticeship program and passage of the state board barber examination. He has been license since 1995. When he received the letter advising what he would be required to do to obtain Tennessee barber license he requested to appear before the board to discuss.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Vernon Winfrey to request Ms. Waller send Mr. Murray a letter requesting he appear before the board for discussion. Motion carried unanimously.

## **ADMINISTRATIVE REPORT**

An application for a new barber school, “Styles Barber College” was presented to the Barber Board at the April meeting. Ms. Waller was not able to contact Mr. Winfrey when she was advised the school was ready for inspection. Ms. Waller and Barbara Hendrix, Inspector inspected the school. Everything was in compliance with the

requirements for opening a barber school in Tennessee. Ms. Waller stated she just needed the board's final approval.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to approve the opening of the new barber school. Motion carried unanimously.

An application for reciprocity of a master barber license from Alabama for Arthur Tremayne Warrior was submitted. License certification was completed by the Morgan County Barber Commission which states he obtained his license by apprentice and the license was issued 2003. No hours of instruction in a barber school was noted.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to require Mr. Warrior to obtain 1,500 hours in a licensed barber school then take and pass the master barber examination to become licensed in the State of Tennessee. Motion carried unanimously.

A request from Lealon A. Fortner for reinstatement of master barber instructor license was submitted to the office. The Board office has no record of his instructor status but he did fax a copy of his "Practical Instructor's Original Certificate which expired July 1, 1974. He is requesting the board to consider reinstating his barber instructor status without the required exam so he can teach at a school.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to request Mr. Fortner to take and pass the Barber Instructor Reinstatement examination to be licensed as a Master Barber Instructor. Motion carried unanimously.

Agron Mujoli, applicant would like to enroll in a barber school in Tennessee. He does not have proof of a high school diploma because he attended school in Macedonia. He is requesting the board to accept an online diploma which he will pay \$395.00, so he can enroll in a barber school in Tennessee.

Chairman J. B. Loring stated he will need to apply for his GED.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to obtain a state certified GED before enrolling in a barber school. Motion carried unanimously.

Information from the Chattanooga area as to the downfall of a barber school and the owner was presented to the board members.

The Barber Board expenditures for Fiscal Year 2006-2007 were presented to the board members. Ms. Waller also attached board expenditures for the previous years since we have new board members, to give them the idea of how the Barber Board expenditures compare to the past years.

An application for reciprocity of a master barber license from Wisconsin for Mwangi O. Vasser was submitted to the office. In the State of Wisconsin the barber and

cosmetology boards are combined. Mr. Vasser has a license that states barber or cosmetology practitioner which required 4,000 hours in an apprenticeship program. Mr. Vasser is present today to address the Board and explain the apprenticeship program because he was required to attend class at a school during this process.

MOTION was made by Mr. Vernon Winfrey and seconded by Mr. Joe Jones to approve reciprocity of Mr. Vasser's master barber license in Tennessee. Motion carried unanimously, with Mr. Cecil Groce disapproving.

Mr. Harvey Johnson, Jr. is requesting the board waive late penalties on his barber shop license. Mr. Johnson's shop license expired May 31, 2007.

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to decline the request and require Mr. Johnson to pay the \$275.00 late fee on his shop license. Motion carried unanimously.

Consent orders totaled \$1,500.00.

Nail & Day Spa  
2812 S. Rutherford Blvd.  
Murfreesboro, TN 37130

Violation issued March 7, 2008  
Pd \$1,000.00 on 5-14-08

Gateway Barber & Beauty College  
810 N.W. Broad Street  
Murfreesboro, TN 37130

Violation issued January 12, 2008  
Pd \$500.00 on 5-14-08

MOTION was made by Mr. Cecil Groce and seconded by Mr. Vernon Winfrey to accept the consent orders. Motion carried unanimously.

## **STAFF ATTORNEY REPORT**

### **1. Case No.: L-08-BAR-RBS-200801034-1**

Complainant reports that Respondent school failed to timely provide monthly student progress reports from the period beginning November 2006 until April 2008. All outstanding reports were received around May 6, 2008.

**Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$1,000.00.**

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to accept the recommendation. Motion carried unanimously.

**2. Case No.: L-08-BAR-RBS-200801147-1**

Inspector reports in Notice of Violation dated May 2, 2008 that a licensed cosmetologist was providing barbering service (haircut) at inspection time in Respondent barber shop without a master barber license. A licensed aesthetician and a licensed manicurist were also present in the shop at inspection time but were not observed providing services to clients. The shop did become licensed as a cosmetology shop on May 31, 2008.

Inspector further reports that he had previously issued a warning on November 27, 2007 to Respondent shop owner concerning provision of services in the shop that are not authorized by the shop license. Inspector also reports that on the aforementioned date, he left an application for a cosmetology shop license with the owner of Respondent shop.

**Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$1,500.00.**

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to accept the recommendation. Motion carried unanimously.

**3. Case No.: L-08-BAR-RBS-200801176-1**

Inspector reports in Notice of Violation dated April 26, 2008 that he observed an unlicensed individual providing barbering services in Respondent shop at inspection time.

**Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$1,000.00.**

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to raise the penalty to \$2,000.00. Motion carried unanimously.

**FINAL RECOMMENDATION: Increase the civil penalty to \$2,000.00.**

**4. Case No.: L-08-BAR-RBS-200801493-1**

Inspector reports in Notice of Violation dated June 6, 2008 that she observed that Respondent was in possession of a license which had expired on May 31, 2007. The license is now current.

**Recommendation: Authorize formal hearing with authority to settle by Consent Order of and civil penalty of \$500.00.**

MOTION was made by Mr. Cecil Groce and seconded by Mr. Vernon Winfrey to accept the recommendation. Motion carried unanimously.

**5. Case No.: L-08-BAR-RBS-200801517-1**

Inspector reports in Notice of Violation dated June 29, 2008 that he observed an unlicensed individual providing license-required service in an unlicensed facility.

**Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$2,000.00.**

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to accept the recommendation. Motion carried unanimously.

**6. Case No.: L-08-BAR-RBS-200801519-1**

Inspector reports in Notice of Violation dated June 13, 2008 that she observed the shop manager providing haircut service to a client while in possession of a master barber license that had been expired since December 31, 2007. The license is now current.

**Recommendation: Authorize formal hearing with authority to settle by Consent Order and civil penalty of \$500.00.**

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to accept the recommendation. Motion carried unanimously.

**7. Case No.: L-07-BAR-RBS-200705509-1**

Department records reveal that this licensee shop is now closed for business and has not re-opened at another location.

**Recommendation: Close with the option to re-open if licensee relocates.**

**8. Case No.: L-07-BAR-RBS-200707219-1**

Certified mail correspondence to this unlicensed shop has been returned unclaimed and marked "wrong address". Internet search for business name indicates that this shop is no longer in business.

**Recommendation: Close with the option to re-open if business re-opens in another location.**

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to accept the recommendation on Case # 7 & 8. Motion carried unanimously.

**9. Case No.: L-05-BAR-RBS-200500025-1**

Department records indicate that this licensee's shop and personal licenses are currently invalid for failure to renew within the prescribed period. The business telephone number associated with the shop is "disconnected or not in service".

**Recommendation: Close with the option to re-open if business re-opens in another location or the licensee begins working at another shop.**

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to accept the recommendation. Motion carried unanimously.

**10. Case No.: L-05-BAR-RBS-200501120-1**

Department records indicate that the license for this shop has been expired and not renewed since 2005 and that the operator license for the owner, who is a master barber, is delinquent. Formal proceedings were previously authorized in 2005 with authority to settle by Consent Order and civil penalty of \$300.00 in relation to a Notice of Violation served upon the licensee for practicing barbering while in possession of an expired license. To date, no formal action has been taken and the licensee has not responded to the offer of settlement.

**Recommendation: 1) Authorize formal hearing for delinquent licenses with the option to refer to proper authorities.**

MOTION was made by Mr. Joe Jones and seconded by Mr. Cecil Groce to accept the recommendation. Motion carried unanimously.

**11. Case No.: L-06-BAR-RBS-200601401-1**

Previous complaint alleged unlicensed activity in the former licensee's apartment home. A Department Investigator visited the apartment home of the licensee and found no evidence to support the allegation of unlicensed activity.

**Recommendation: Close with no action.**

MOTION was made by Mr. Cecil Groce and seconded by Mr. Joe Jones to accept the recommendation. Motion carried unanimously.

**12. Case No.: L-06-BAR-RBS-200603311-1**

Previous complaint alleged that the licensee was operating an unlicensed facility. The licensee has indicated that he does not operate a shop there and that he now owns an auto detailing shop at that location. Recent internet search revealed that an "Express Wheels" was operating at the address previously believed to be the barber shop's address.

**Recommendation: Close with no action.**

MOTION was made by Mr. Cecil Groce and seconded by Mr. Vernon Winfrey to accept the recommendation. Motion carried unanimously.

**13. Case No.: L-08-BAR-RBS-200801558-1**

Inspector reports in Notice of Violation dated June 26, 2008 that an individual in possession of an expired master barber license was present in the shop at inspection time but was not providing any license-required service to any client. The license is now current.

**Recommendation: Close with a letter of warning.**

MOTION was made by Mr. Vernon Winfrey and seconded by Mr. Joe Jones to accept the recommendation. Motion carried unanimously.

**OTHER BUSINESS**

The board members discussed the rule changes with Mr. Terrance Bond, Staff Attorney.

MOTION was made Mr. Cecil Groce and seconded by Mr. Vernon Winfrey to adjourn. Motion carried unanimously.